IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 16938 of 2004

Between:

Dr.Curie's Labs Limited.,

Plot No.735, Venkateswara Hills,
Road No.3, Banjara Hills,

Hyderabad-34.

Represented by its Director,

B.G.Manohar.

..... PETITIONER

AND

The Employees Provident Fund Organisation,

Sub-Accounts Office, 12-1,
Sesheeram Complex, Patancheru,

Medak District.

Represented by

The Assistant Provident Fund Commissioner.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue notice and call for records and declare and order that the impugned proceedings No.AP/SAO/PTC/Enf./2004/539, dt.17-06-04 directing the petitioner company to pay the amounts mentioned in the Show Cause Notice cum Levy Order vide proceedings No.AP/21094/PD/SAO/PTC/04/80, dt.30-04-2004 towards damages under sec.14-B and interest U/sec.7Q of the Employees Provident Fund & Misc. Provisions Act.1952 is null, void and inoperative consequently quash the same.

Counsel for the Petitioner: MR.P.NAGESWAR SREE

Counsel for the Respondent: MR.R.N.REDDY

The Court, at the stage of admission, made the following:

O R D E R:

The impugned show cause notice, dated 30.04.2004, was issued for remittance of the penal damages, under Section 14-B and interest under Section 7-Q of the employees' Provident Funds and Miscellaneous Provisions Act, 1952, for a sum of Rs.2,73,794/- and Rs.85,901/- respectively. Questioning the same, the present writ petition is filed.

It is represented that against the said notice, the petitioner preferred an appeal before the Tribunal on 05.07.2004, and since the Tribunal is not effectively functioning, the petitioner could not obtain the stay of the impugned proceedings.

Having regard to the facts and circumstances of the case, and since the appellate Tribunal is not effectively functioning, the interest of justice would be met if the petitioner deposits 50% of the amount so demanded, within a period of eight weeks from the date of receipt of a copy of this order. All further steps pursuant to the impugned show cause notice are hereby stayed, pending disposal of the appeal. On such deposit being made, the appellate authority shall proceed with the appeal filed before it, without insisting for depositing of the balance amount. The amount so

deposited shall await the decision in the appeal.

The writ petition is accordingly disposed of. No order as to costs.

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A. **GOPAL REDDY, J**

September 21st , 2004

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To

1. The Assistant Provident Fund Commissioner.

The Employees Provident Fund Organisation,

Sub-Accounts Office, 12-1,
Sesheeram Complex, Patancheru,

Medak District.

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